

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

Boy Scouts Troop No. 92 led the pledge of allegiance.

Vice Mayor Montano offered her own prayer to start the meeting.

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

Martin Skelson, Milpitas resident, spoke about a meeting the previous week on solid waste disposal services. He thought that Republic Services should have been able to present information on that company's services.

Robert Marini, Milpitas resident, discussed his views of City violations of state law and state constitution regarding process for Proposition 218 hearing (on water/sewer rates).

Rob Means, 1421 Yellowstone resident, talked about Personal Rapid Transit feeder system or loop around BART at Great Mall.

Michael Tie, Milpitas resident, had reviewed the Transit Area Specific Plan, while studying at several local institutions. He felt the Transit Plan was very forward looking. It was critical to keep an eye on how to link local transit system to the coming high speed rail in the Bay Area, while reducing pollution and traffic accidents.

Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

Councilmember Grilli thanked the Vice Mayor for bringing that up and felt Milpitas was left out regarding MLK holiday. When the water rates study was presented, a comparison chart was displayed by the staff while the data on it was incomplete yet. So she requested (later, perhaps in August) to have that chart brought back to Council by staff with all the information updated, after other cities adopted water rates. Mr. Williams suggested staff could bring it sooner than later, once those comparable four or five cities and districts had raised their rates.

Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
 Re-appointed Thelma Batilo to a term that will expire in January of 2020.  
 Re-appointed Vishal Gandhi as Alternate No. 4 to term that expires in January of 2018.
- Planning Commission:**  
 Re-appointed Zeya Mohsin as Alternate Member to a term that expires December of 2018.
- Sister Cities Commission:**  
 Appointed Alternate No. 1 Carla Bayot as a voting member term that will expire in September 2016.  
 Newly appointed Barry Manogaran as Alternate No. 1 to a term that will expires in September 2016.  
 Newly appointed Dipak Awasthi as Alternate No. 2 to a term that will expires in September 2017.
- \* 4. Oversight Board appointments      Per Mayor's recommendation, appointed both Jane Corpus and Russell Morreale as staff alternates to either voting member on the Milpitas Oversight Board.
- \* 5. Police Grant funds      Accepted the 2015 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$7,662.85 into the Police Department's operating budget.
- \* 6. Surplus Fire Engine      Approved the request to auction for disposal the 1993 Pierce Fire Engine (VIN 4P1CA02D3PA000479).
- \* 7. Resolution      Adopted Resolution No. 8519 granting initial acceptance of the Main Street Pavement Reconstruction Projects No. 3412 and No. 4277, subject to a one-year warranty period, and reduction of the faithful performance bond to \$304,639; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 8. Resolution      Adopted Resolution No. 8520 granting initial acceptance of the 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267, subject to a one-year warranty period, and reduction of the faithful performance bond to \$40,630; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 9. Resolution      Adopted Resolution No. 8521 approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information related to Floodplain Management.
- \*10. Amendment to Agreements for Planning Staff      Approved the first Amendment to the Agreement with MIG in the amount of \$50,000 for a total agreement not to exceed \$120,000 and approve the first Amendment to the Agreement with Neal Martin Associates in the amount of \$50,000 for a total agreement not to exceed \$120,000.
- \*11. Amendment to Agreement for Engineering Staff      1. Approved Amendment No. 2 to the agreement with RMC Water and Environment, Inc. for \$100,000 for on-call Water and Sewer System Hydraulic Modeling for Private Jobs and for Capital Improvement Projects No. 7108 and No. 6110.  
 2. Approved a budget appropriation of \$50,000 to the Land Development Engineering Operating Budget and increase the General Fund private jobs revenue by \$50,000.

## UNFINISHED BUSINESS

1. Update on Super Communities Committee      Economic Development Manager Edesa Bitbadal updated the City Council on the many existing activities happening in Milpitas for the "Super Community Committee" ahead of the upcoming football Super Bowl 50 in early February. She previewed a CBS-TV

advertisement about the City of Milpitas that would be shown on local television prior to the Superbowl broadcast. She described a City of Milpitas special event and activities planned on Tuesday, February 2 at 5:00 PM at City Hall (first floor) to kick off “football week” in here Milpitas. Ms. Bitbadal responded to questions from Vice Mayor Montano and Mayor Esteves.

Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

Councilmember Grilli referred to the direction given to staff last September to get the minimum wage study, and that it was due in March. So City Council needed the facts from that study, before acting this evening, and it would be in advance of the budget cycle. She too would like to look at employees’ wages, as mentioned by the Vice Mayor.

Councilmember Giordano read aloud a portion of a letter received from City unions (employee groups). She concurred with Councilmember Grilli to wait and get that study reported out, prior to taking any action.

Councilmember Barbadillo said he was okay with raises suggested. It may be useful to use Bureau of Labor Standards and use the current average minimum wage, and consider around neighboring cities. He did want to consider an increase for janitors to \$13.00 per hour.

Mayor Esteves noted that the expiration date was in the contract with the current vendor, as given in the agenda packet last September.

Vice Mayor Montano wanted to go out to bid, to require \$13.00 per hour pay for janitors. She felt that contractor Varsity may be willing to do that, as other companies might.

City Manager Williams clarified prevailing wage versus minimum wage for janitors. Purchasing Agent Chris Schroeder specified terms in the current city contract for janitorial services and the agreed upon wage rate.

Mayor Esteves agreed there should be some increase for minimum salaried workers due to increased living costs. He wanted the minimum wage study to be completed so he had something to base his support for any increase upon. At the time of budget discussions for next year was a good time to discuss wage and to prioritize spending of the City.

Vice Mayor Montano said families were a priority in Milpitas. She quoted hourly wages at various retail stores in the city.

Councilmember Barbadillo asked: did the Council have the power to do this? Yes, he replied. He then read aloud a definition of a prevailing wage (from the internet). Staff could determine that rate for janitors in this area and did not need to wait for the study on the minimum wage countywide.

Next the Mayor invited speakers from the audience.

Liz Ainsworth, resident and Chamber of Commerce President, commended the City Council for taking on this issue. She had lived as a single parent years ago, and felt the affect of low wages personally. Meanwhile, businesses had to balance everything out, and wanted to pay employees as much as they could afford. She urged not wanting to exclude entry level workers in Milpitas.

Robert Marini, Milpitas resident, talked about raising water rates and percentage. What happened to those families and with increased fees, as they will be difficult to pay. The City could hire janitors directly working for the City, to pay correct hourly rate if desired.

Voltaire Montemayor, Milpitas resident, spoke of benefits and costs for commuting. He considered workers' skill level and amount of pay per hour.

Efren Garza, pastor at Santa Maria Old Catholic Church, was the son of janitors and migrant workers. His parents raised four children, bought their first home here in Milpitas. They could not do that today in the current economy. He asked City Council to show compassion and hire janitors as direct City workers.

Councilmember Grilli commented this was a bigger issue they were discussing. She wished to wait for the study and that was her preference.

Mayor Esteves made a statement why he supported the motion.

Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

#### **JOINT MEETING WITH SUCCESSOR AGENCY**

Mayor Esteves called the joint meeting to order at 9:22 PM, with all members present.

By consensus the agenda was approved and Vice Mayor Montano wished to discuss the one item that was on consent.

#### **13. Purchase and Sale Agreement for City Property**

Vice Mayor Montano asked about the new owners intending to purchase the site (Sal Cracolice building on Abel St.). She wondered if non-profits or other groups were considered to buy it. Mr. Williams responded about the process, where the Oversight Board was essentially forcing the City to sell this property and to go out for competitive bids for the site. The proposed new owner was the highest bidder of four submitted to the Oversight Board, which did not declare this sight for governmental use, as the City had recommended.

Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

City Council then convened into Closed Session again for the item listed on the Special Meeting agenda for closed session (it had been listed on the agenda for 6:00 PM).

City Attorney Chris Diaz made the following announcement out of Closed Session:

The City Council met in closed session regarding potential litigation involving the City's Master Agreement with the cities of San Jose and Santa Clara regarding wastewater services.

Because of the legal issues surrounding the Master Agreement, the City Council has directed staff not to schedule a future public agenda item for the City Council's consideration of San Jose's proposed redline agreement.

The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

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Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

Councilmember Grilli thanked the Vice Mayor for bringing that up and felt Milpitas was left out regarding MLK holiday. When the water rates study was presented, a comparison chart was displayed by the staff while the data on it was incomplete yet. So she requested (later, perhaps in August) to have that chart brought back to Council by staff with all the information updated, after other cities adopted water rates. Mr. Williams suggested staff could bring it sooner than later, once those comparable four or five cities and districts had raised their rates.

Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
Re-appointed Thelma Batilo to a term that will expire in January of 2020.  
Re-appointed Vishal Gandhi as Alternate No. 4 to term that expires in January of 2018.
- Planning Commission:**  
Re-appointed Zeya Mohsin as Alternate Member to a term that expires December of 2018.
- Sister Cities Commission:**  
Appointed Alternate No. 1 Carla Bayot as a voting member term that will expire in September 2016.  
Newly appointed Barry Manogaran as Alternate No. 1 to a term that will expires in September 2016.  
Newly appointed Dipak Awasthi as Alternate No. 2 to a term that will expires in September 2017.
- \* 4. Oversight Board appointments      Per Mayor's recommendation, appointed both Jane Corpus and Russell Morreale as staff alternates to either voting member on the Milpitas Oversight Board.
- \* 5. Police Grant funds      Accepted the 2015 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$7,662.85 into the Police Department's operating budget.
- \* 6. Surplus Fire Engine      Approved the request to auction for disposal the 1993 Pierce Fire Engine (VIN 4P1CA02D3PA000479).
- \* 7. Resolution      Adopted Resolution No. 8519 granting initial acceptance of the Main Street Pavement Reconstruction Projects No. 3412 and No. 4277, subject to a one-year warranty period, and reduction of the faithful performance bond to \$304,639; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 8. Resolution      Adopted Resolution No. 8520 granting initial acceptance of the 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267, subject to a one-year warranty period, and reduction of the faithful performance bond to \$40,630; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 9. Resolution      Adopted Resolution No. 8521 approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information related to Floodplain Management.
- \*10. Amendment to Agreements for Planning Staff      Approved the first Amendment to the Agreement with MIG in the amount of \$50,000 for a total agreement not to exceed \$120,000 and approve the first Amendment to the Agreement with Neal Martin Associates in the amount of \$50,000 for a total agreement not to exceed \$120,000.
- \*11. Amendment to Agreement for Engineering Staff      1. Approved Amendment No. 2 to the agreement with RMC Water and Environment, Inc. for \$100,000 for on-call Water and Sewer System Hydraulic Modeling for Private Jobs and for Capital Improvement Projects No. 7108 and No. 6110.  
2. Approved a budget appropriation of \$50,000 to the Land Development Engineering Operating Budget and increase the General Fund private jobs revenue by \$50,000.

## UNFINISHED BUSINESS

1. Update on Super Communities Committee      Economic Development Manager Edesa Bitbadal updated the City Council on the many existing activities happening in Milpitas for the "Super Community Committee" ahead of the upcoming football Super Bowl 50 in early February. She previewed a CBS-TV

advertisement about the City of Milpitas that would be shown on local television prior to the Superbowl broadcast. She described a City of Milpitas special event and activities planned on Tuesday, February 2 at 5:00 PM at City Hall (first floor) to kick off “football week” in here Milpitas. Ms. Bitbadal responded to questions from Vice Mayor Montano and Mayor Esteves.

Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

Councilmember Grilli referred to the direction given to staff last September to get the minimum wage study, and that it was due in March. So City Council needed the facts from that study, before acting this evening, and it would be in advance of the budget cycle. She too would like to look at employees’ wages, as mentioned by the Vice Mayor.

Councilmember Giordano read aloud a portion of a letter received from City unions (employee groups). She concurred with Councilmember Grilli to wait and get that study reported out, prior to taking any action.

Councilmember Barbadillo said he was okay with raises suggested. It may be useful to use Bureau of Labor Standards and use the current average minimum wage, and consider around neighboring cities. He did want to consider an increase for janitors to \$13.00 per hour.

Mayor Esteves noted that the expiration date was in the contract with the current vendor, as given in the agenda packet last September.

Vice Mayor Montano wanted to go out to bid, to require \$13.00 per hour pay for janitors. She felt that contractor Varsity may be willing to do that, as other companies might.

City Manager Williams clarified prevailing wage versus minimum wage for janitors. Purchasing Agent Chris Schroeder specified terms in the current city contract for janitorial services and the agreed upon wage rate.

Mayor Esteves agreed there should be some increase for minimum salaried workers due to increased living costs. He wanted the minimum wage study to be completed so he had something to base his support for any increase upon. At the time of budget discussions for next year was a good time to discuss wage and to prioritize spending of the City.

Vice Mayor Montano said families were a priority in Milpitas. She quoted hourly wages at various retail stores in the city.

Councilmember Barbadillo asked: did the Council have the power to do this? Yes, he replied. He then read aloud a definition of a prevailing wage (from the internet). Staff could determine that rate for janitors in this area and did not need to wait for the study on the minimum wage countywide.

Next the Mayor invited speakers from the audience.

Liz Ainsworth, resident and Chamber of Commerce President, commended the City Council for taking on this issue. She had lived as a single parent years ago, and felt the affect of low wages personally. Meanwhile, businesses had to balance everything out, and wanted to pay employees as much as they could afford. She urged not wanting to exclude entry level workers in Milpitas.

Robert Marini, Milpitas resident, talked about raising water rates and percentage. What happened to those families and with increased fees, as they will be difficult to pay. The City could hire janitors directly working for the City, to pay correct hourly rate if desired.

Voltaire Montemayor, Milpitas resident, spoke of benefits and costs for commuting. He considered workers' skill level and amount of pay per hour.

Efren Garza, pastor at Santa Maria Old Catholic Church, was the son of janitors and migrant workers. His parents raised four children, bought their first home here in Milpitas. They could not do that today in the current economy. He asked City Council to show compassion and hire janitors as direct City workers.

Councilmember Grilli commented this was a bigger issue they were discussing. She wished to wait for the study and that was her preference.

Mayor Esteves made a statement why he supported the motion.

Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

#### **JOINT MEETING WITH SUCCESSOR AGENCY**

Mayor Esteves called the joint meeting to order at 9:22 PM, with all members present.

By consensus the agenda was approved and Vice Mayor Montano wished to discuss the one item that was on consent.

#### **13. Purchase and Sale Agreement for City Property**

Vice Mayor Montano asked about the new owners intending to purchase the site (Sal Cracolice building on Abel St.). She wondered if non-profits or other groups were considered to buy it. Mr. Williams responded about the process, where the Oversight Board was essentially forcing the City to sell this property and to go out for competitive bids for the site. The proposed new owner was the highest bidder of four submitted to the Oversight Board, which did not declare this sight for governmental use, as the City had recommended.

Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

City Council then convened into Closed Session again for the item listed on the Special Meeting agenda for closed session (it had been listed on the agenda for 6:00 PM).

City Attorney Chris Diaz made the following announcement out of Closed Session:

The City Council met in closed session regarding potential litigation involving the City's Master Agreement with the cities of San Jose and Santa Clara regarding wastewater services.

Because of the legal issues surrounding the Master Agreement, the City Council has directed staff not to schedule a future public agenda item for the City Council's consideration of San Jose's proposed redline agreement.

The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

Boy Scouts Troop No. 92 led the pledge of allegiance.

Vice Mayor Montano offered her own prayer to start the meeting.

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

Martin Skelson, Milpitas resident, spoke about a meeting the previous week on solid waste disposal services. He thought that Republic Services should have been able to present information on that company's services.

Robert Marini, Milpitas resident, discussed his views of City violations of state law and state constitution regarding process for Proposition 218 hearing (on water/sewer rates).

Rob Means, 1421 Yellowstone resident, talked about Personal Rapid Transit feeder system or loop around BART at Great Mall.

Michael Tie, Milpitas resident, had reviewed the Transit Area Specific Plan, while studying at several local institutions. He felt the Transit Plan was very forward looking. It was critical to keep an eye on how to link local transit system to the coming high speed rail in the Bay Area, while reducing pollution and traffic accidents.

Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

Councilmember Grilli thanked the Vice Mayor for bringing that up and felt Milpitas was left out regarding MLK holiday. When the water rates study was presented, a comparison chart was displayed by the staff while the data on it was incomplete yet. So she requested (later, perhaps in August) to have that chart brought back to Council by staff with all the information updated, after other cities adopted water rates. Mr. Williams suggested staff could bring it sooner than later, once those comparable four or five cities and districts had raised their rates.

Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
Re-appointed Thelma Batilo to a term that will expire in January of 2020.  
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## UNFINISHED BUSINESS

1. Update on Super Communities Committee      Economic Development Manager Edesa Bitbadal updated the City Council on the many existing activities happening in Milpitas for the "Super Community Committee" ahead of the upcoming football Super Bowl 50 in early February. She previewed a CBS-TV

advertisement about the City of Milpitas that would be shown on local television prior to the Superbowl broadcast. She described a City of Milpitas special event and activities planned on Tuesday, February 2 at 5:00 PM at City Hall (first floor) to kick off “football week” in here Milpitas. Ms. Bitbadal responded to questions from Vice Mayor Montano and Mayor Esteves.

Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

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Efren Garza, pastor at Santa Maria Old Catholic Church, was the son of janitors and migrant workers. His parents raised four children, bought their first home here in Milpitas. They could not do that today in the current economy. He asked City Council to show compassion and hire janitors as direct City workers.

Councilmember Grilli commented this was a bigger issue they were discussing. She wished to wait for the study and that was her preference.

Mayor Esteves made a statement why he supported the motion.

Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

#### **JOINT MEETING WITH SUCCESSOR AGENCY**

Mayor Esteves called the joint meeting to order at 9:22 PM, with all members present.

By consensus the agenda was approved and Vice Mayor Montano wished to discuss the one item that was on consent.

#### **13. Purchase and Sale Agreement for City Property**

Vice Mayor Montano asked about the new owners intending to purchase the site (Sal Cracolice building on Abel St.). She wondered if non-profits or other groups were considered to buy it. Mr. Williams responded about the process, where the Oversight Board was essentially forcing the City to sell this property and to go out for competitive bids for the site. The proposed new owner was the highest bidder of four submitted to the Oversight Board, which did not declare this sight for governmental use, as the City had recommended.

Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

City Council then convened into Closed Session again for the item listed on the Special Meeting agenda for closed session (it had been listed on the agenda for 6:00 PM).

City Attorney Chris Diaz made the following announcement out of Closed Session:

The City Council met in closed session regarding potential litigation involving the City's Master Agreement with the cities of San Jose and Santa Clara regarding wastewater services.

Because of the legal issues surrounding the Master Agreement, the City Council has directed staff not to schedule a future public agenda item for the City Council's consideration of San Jose's proposed redline agreement.

The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

***Draft* MEETING MINUTES**  
**CITY OF MILPITAS**

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

## CALL TO ORDER

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

**ABSENT:** Councilmember Giordano was absent at roll call and arrived at 6:01 PM.

## CLOSED SESSION

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

City Council then convened in Open Session at 7:15 PM.

## ANNOUNCEMENT

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

## PLEDGE

Boy Scouts Troop No. 92 led the pledge of allegiance.

## INVOCATION

Vice Mayor Montano offered her own prayer to start the meeting.

## MEETING MINUTES

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## SCHEDULE OF MEETINGS

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

## PRESENTATIONS

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

## PUBLIC FORUM

Martin Skelson, Milpitas resident, spoke about a meeting the previous week on solid waste disposal services. He thought that Republic Services should have been able to present information on that company's services.

Robert Marini, Milpitas resident, discussed his views of City violations of state law and state constitution regarding process for Proposition 218 hearing (on water/sewer rates).

Rob Means, 1421 Yellowstone resident, talked about Personal Rapid Transit feeder system or loop around BART at Great Mall.

Michael Tie, Milpitas resident, had reviewed the Transit Area Specific Plan, while studying at several local institutions. He felt the Transit Plan was very forward looking. It was critical to keep an eye on how to link local transit system to the coming high speed rail in the Bay Area, while reducing pollution and traffic accidents.

Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

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Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
Re-appointed Thelma Batilo to a term that will expire in January of 2020.  
Re-appointed Vishal Gandhi as Alternate No. 4 to term that expires in January of 2018.
- Planning Commission:**  
Re-appointed Zeya Mohsin as Alternate Member to a term that expires December of 2018.
- Sister Cities Commission:**  
Appointed Alternate No. 1 Carla Bayot as a voting member term that will expire in September 2016.  
Newly appointed Barry Manogaran as Alternate No. 1 to a term that will expires in September 2016.  
Newly appointed Dipak Awasthi as Alternate No. 2 to a term that will expires in September 2017.
- \* 4. Oversight Board appointments      Per Mayor's recommendation, appointed both Jane Corpus and Russell Morreale as staff alternates to either voting member on the Milpitas Oversight Board.
- \* 5. Police Grant funds      Accepted the 2015 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$7,662.85 into the Police Department's operating budget.
- \* 6. Surplus Fire Engine      Approved the request to auction for disposal the 1993 Pierce Fire Engine (VIN 4P1CA02D3PA000479).
- \* 7. Resolution      Adopted Resolution No. 8519 granting initial acceptance of the Main Street Pavement Reconstruction Projects No. 3412 and No. 4277, subject to a one-year warranty period, and reduction of the faithful performance bond to \$304,639; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 8. Resolution      Adopted Resolution No. 8520 granting initial acceptance of the 2014 Soundwall Renovation Project Jacklin Road & Del Rio Court, Project No. 4267, subject to a one-year warranty period, and reduction of the faithful performance bond to \$40,630; and granting authorization to the Director of Engineering/City Engineer to issue the notice of final acceptance after the one-year warranty period and to release and discharge the performance bond without further City Council action.
- \* 9. Resolution      Adopted Resolution No. 8521 approving the 2015 Santa Clara County Multi-Jurisdictional Program for Public Information related to Floodplain Management.
- \*10. Amendment to Agreements for Planning Staff      Approved the first Amendment to the Agreement with MIG in the amount of \$50,000 for a total agreement not to exceed \$120,000 and approve the first Amendment to the Agreement with Neal Martin Associates in the amount of \$50,000 for a total agreement not to exceed \$120,000.
- \*11. Amendment to Agreement for Engineering Staff      1. Approved Amendment No. 2 to the agreement with RMC Water and Environment, Inc. for \$100,000 for on-call Water and Sewer System Hydraulic Modeling for Private Jobs and for Capital Improvement Projects No. 7108 and No. 6110.  
2. Approved a budget appropriation of \$50,000 to the Land Development Engineering Operating Budget and increase the General Fund private jobs revenue by \$50,000.

## UNFINISHED BUSINESS

1. Update on Super Communities Committee      Economic Development Manager Edesa Bitbadal updated the City Council on the many existing activities happening in Milpitas for the "Super Community Committee" ahead of the upcoming football Super Bowl 50 in early February. She previewed a CBS-TV

advertisement about the City of Milpitas that would be shown on local television prior to the Superbowl broadcast. She described a City of Milpitas special event and activities planned on Tuesday, February 2 at 5:00 PM at City Hall (first floor) to kick off “football week” in here Milpitas. Ms. Bitbadal responded to questions from Vice Mayor Montano and Mayor Esteves.

Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

Councilmember Grilli referred to the direction given to staff last September to get the minimum wage study, and that it was due in March. So City Council needed the facts from that study, before acting this evening, and it would be in advance of the budget cycle. She too would like to look at employees’ wages, as mentioned by the Vice Mayor.

Councilmember Giordano read aloud a portion of a letter received from City unions (employee groups). She concurred with Councilmember Grilli to wait and get that study reported out, prior to taking any action.

Councilmember Barbadillo said he was okay with raises suggested. It may be useful to use Bureau of Labor Standards and use the current average minimum wage, and consider around neighboring cities. He did want to consider an increase for janitors to \$13.00 per hour.

Mayor Esteves noted that the expiration date was in the contract with the current vendor, as given in the agenda packet last September.

Vice Mayor Montano wanted to go out to bid, to require \$13.00 per hour pay for janitors. She felt that contractor Varsity may be willing to do that, as other companies might.

City Manager Williams clarified prevailing wage versus minimum wage for janitors. Purchasing Agent Chris Schroeder specified terms in the current city contract for janitorial services and the agreed upon wage rate.

Mayor Esteves agreed there should be some increase for minimum salaried workers due to increased living costs. He wanted the minimum wage study to be completed so he had something to base his support for any increase upon. At the time of budget discussions for next year was a good time to discuss wage and to prioritize spending of the City.

Vice Mayor Montano said families were a priority in Milpitas. She quoted hourly wages at various retail stores in the city.

Councilmember Barbadillo asked: did the Council have the power to do this? Yes, he replied. He then read aloud a definition of a prevailing wage (from the internet). Staff could determine that rate for janitors in this area and did not need to wait for the study on the minimum wage countywide.

Next the Mayor invited speakers from the audience.

Liz Ainsworth, resident and Chamber of Commerce President, commended the City Council for taking on this issue. She had lived as a single parent years ago, and felt the affect of low wages personally. Meanwhile, businesses had to balance everything out, and wanted to pay employees as much as they could afford. She urged not wanting to exclude entry level workers in Milpitas.

Robert Marini, Milpitas resident, talked about raising water rates and percentage. What happened to those families and with increased fees, as they will be difficult to pay. The City could hire janitors directly working for the City, to pay correct hourly rate if desired.

Voltaire Montemayor, Milpitas resident, spoke of benefits and costs for commuting. He considered workers' skill level and amount of pay per hour.

Efren Garza, pastor at Santa Maria Old Catholic Church, was the son of janitors and migrant workers. His parents raised four children, bought their first home here in Milpitas. They could not do that today in the current economy. He asked City Council to show compassion and hire janitors as direct City workers.

Councilmember Grilli commented this was a bigger issue they were discussing. She wished to wait for the study and that was her preference.

Mayor Esteves made a statement why he supported the motion.

Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

#### **JOINT MEETING WITH SUCCESSOR AGENCY**

Mayor Esteves called the joint meeting to order at 9:22 PM, with all members present.

By consensus the agenda was approved and Vice Mayor Montano wished to discuss the one item that was on consent.

#### **13. Purchase and Sale Agreement for City Property**

Vice Mayor Montano asked about the new owners intending to purchase the site (Sal Cracolice building on Abel St.). She wondered if non-profits or other groups were considered to buy it. Mr. Williams responded about the process, where the Oversight Board was essentially forcing the City to sell this property and to go out for competitive bids for the site. The proposed new owner was the highest bidder of four submitted to the Oversight Board, which did not declare this sight for governmental use, as the City had recommended.

Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

City Council then convened into Closed Session again for the item listed on the Special Meeting agenda for closed session (it had been listed on the agenda for 6:00 PM).

City Attorney Chris Diaz made the following announcement out of Closed Session:

The City Council met in closed session regarding potential litigation involving the City's Master Agreement with the cities of San Jose and Santa Clara regarding wastewater services.

Because of the legal issues surrounding the Master Agreement, the City Council has directed staff not to schedule a future public agenda item for the City Council's consideration of San Jose's proposed redline agreement.

The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

Boy Scouts Troop No. 92 led the pledge of allegiance.

Vice Mayor Montano offered her own prayer to start the meeting.

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

Martin Skelson, Milpitas resident, spoke about a meeting the previous week on solid waste disposal services. He thought that Republic Services should have been able to present information on that company's services.

Robert Marini, Milpitas resident, discussed his views of City violations of state law and state constitution regarding process for Proposition 218 hearing (on water/sewer rates).

Rob Means, 1421 Yellowstone resident, talked about Personal Rapid Transit feeder system or loop around BART at Great Mall.

Michael Tie, Milpitas resident, had reviewed the Transit Area Specific Plan, while studying at several local institutions. He felt the Transit Plan was very forward looking. It was critical to keep an eye on how to link local transit system to the coming high speed rail in the Bay Area, while reducing pollution and traffic accidents.

Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

Councilmember Grilli thanked the Vice Mayor for bringing that up and felt Milpitas was left out regarding MLK holiday. When the water rates study was presented, a comparison chart was displayed by the staff while the data on it was incomplete yet. So she requested (later, perhaps in August) to have that chart brought back to Council by staff with all the information updated, after other cities adopted water rates. Mr. Williams suggested staff could bring it sooner than later, once those comparable four or five cities and districts had raised their rates.

Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
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- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
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## UNFINISHED BUSINESS

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Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

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Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

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Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

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NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

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The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

Boy Scouts Troop No. 92 led the pledge of allegiance.

Vice Mayor Montano offered her own prayer to start the meeting.

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

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## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

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2. Approved a budget appropriation of \$50,000 to the Land Development Engineering Operating Budget and increase the General Fund private jobs revenue by \$50,000.

## UNFINISHED BUSINESS

1. Update on Super Communities Committee      Economic Development Manager Edesa Bitbadal updated the City Council on the many existing activities happening in Milpitas for the "Super Community Committee" ahead of the upcoming football Super Bowl 50 in early February. She previewed a CBS-TV

advertisement about the City of Milpitas that would be shown on local television prior to the Superbowl broadcast. She described a City of Milpitas special event and activities planned on Tuesday, February 2 at 5:00 PM at City Hall (first floor) to kick off “football week” in here Milpitas. Ms. Bitbadal responded to questions from Vice Mayor Montano and Mayor Esteves.

Motion: to receive the oral report from staff on Super Communities Committee

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion was approved by a vote of: AYES: 5  
NOES: 0

## 2. Report on Janitorial Contract and wages

Vice Mayor Montano described why she brought this issue, about janitorial wages, to the City Council last fall noting the low wages of janitors across the Santa Clara Valley. She requested to go out to bid for a contract with a company that was willing to pay a minimum of \$13.00 per hour. She noted it was five months ago that the county-wide study was requested. She would also like to do a study about wages of City employees, and having wages that were taken away during recession reviewed, and to consider restoring lost wages.

Councilmember Grilli referred to the direction given to staff last September to get the minimum wage study, and that it was due in March. So City Council needed the facts from that study, before acting this evening, and it would be in advance of the budget cycle. She too would like to look at employees’ wages, as mentioned by the Vice Mayor.

Councilmember Giordano read aloud a portion of a letter received from City unions (employee groups). She concurred with Councilmember Grilli to wait and get that study reported out, prior to taking any action.

Councilmember Barbadillo said he was okay with raises suggested. It may be useful to use Bureau of Labor Standards and use the current average minimum wage, and consider around neighboring cities. He did want to consider an increase for janitors to \$13.00 per hour.

Mayor Esteves noted that the expiration date was in the contract with the current vendor, as given in the agenda packet last September.

Vice Mayor Montano wanted to go out to bid, to require \$13.00 per hour pay for janitors. She felt that contractor Varsity may be willing to do that, as other companies might.

City Manager Williams clarified prevailing wage versus minimum wage for janitors. Purchasing Agent Chris Schroeder specified terms in the current city contract for janitorial services and the agreed upon wage rate.

Mayor Esteves agreed there should be some increase for minimum salaried workers due to increased living costs. He wanted the minimum wage study to be completed so he had something to base his support for any increase upon. At the time of budget discussions for next year was a good time to discuss wage and to prioritize spending of the City.

Vice Mayor Montano said families were a priority in Milpitas. She quoted hourly wages at various retail stores in the city.

Councilmember Barbadillo asked: did the Council have the power to do this? Yes, he replied. He then read aloud a definition of a prevailing wage (from the internet). Staff could determine that rate for janitors in this area and did not need to wait for the study on the minimum wage countywide.

Next the Mayor invited speakers from the audience.

Liz Ainsworth, resident and Chamber of Commerce President, commended the City Council for taking on this issue. She had lived as a single parent years ago, and felt the affect of low wages personally. Meanwhile, businesses had to balance everything out, and wanted to pay employees as much as they could afford. She urged not wanting to exclude entry level workers in Milpitas.

Robert Marini, Milpitas resident, talked about raising water rates and percentage. What happened to those families and with increased fees, as they will be difficult to pay. The City could hire janitors directly working for the City, to pay correct hourly rate if desired.

Voltaire Montemayor, Milpitas resident, spoke of benefits and costs for commuting. He considered workers' skill level and amount of pay per hour.

Efren Garza, pastor at Santa Maria Old Catholic Church, was the son of janitors and migrant workers. His parents raised four children, bought their first home here in Milpitas. They could not do that today in the current economy. He asked City Council to show compassion and hire janitors as direct City workers.

Councilmember Grilli commented this was a bigger issue they were discussing. She wished to wait for the study and that was her preference.

Mayor Esteves made a statement why he supported the motion.

Motion to bring the matter of janitorial wages back to the City Council in April or May to re-look at the issue of janitor salary relative to the anticipated prevailing wage study (minimum wage study in Santa Clara County)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 3  
NOES: 2 (Barbadillo, Montano)

#### **JOINT MEETING WITH PUBLIC FINANCE AUTHORITY**

Mayor Esteves called the joint meeting to order at 9:21 PM, with all members present.

Motion: to approve the agenda and consent calendar (one item - two resolutions)

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

#### **\*12. PFA and Council Resolutions re: LAIF**

Adopted Resolution No. 8522 of the Milpitas City Council and Resolution No. PFA18 of the Milpitas Public Financing Authority Board authorizing investment of monies in the Local Agency Investment Fund and updating officers' information.

#### **JOINT MEETING WITH SUCCESSOR AGENCY**

Mayor Esteves called the joint meeting to order at 9:22 PM, with all members present.

By consensus the agenda was approved and Vice Mayor Montano wished to discuss the one item that was on consent.

#### **13. Purchase and Sale Agreement for City Property**

Vice Mayor Montano asked about the new owners intending to purchase the site (Sal Cracolice building on Abel St.). She wondered if non-profits or other groups were considered to buy it. Mr. Williams responded about the process, where the Oversight Board was essentially forcing the City to sell this property and to go out for competitive bids for the site. The proposed new owner was the highest bidder of four submitted to the Oversight Board, which did not declare this sight for governmental use, as the City had recommended.

Motion: to authorize the Executive Director of the Successor Agency of the former Milpitas Redevelopment Agency to execute a Purchase & Sale Agreement with Rajyoga Meditation and Research Center for property at 540 S. Abel Street (APN 086-10-025)

Motion/Second: Vice Mayor Montano/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **ADJOURNMENT**

Mayor Esteves adjourned the open session portion of the joint meeting of the Milpitas City Council, Public Financing Authority and Successor Agency at 9:27 PM.

City Council then convened into Closed Session again for the item listed on the Special Meeting agenda for closed session (it had been listed on the agenda for 6:00 PM).

City Attorney Chris Diaz made the following announcement out of Closed Session:

The City Council met in closed session regarding potential litigation involving the City's Master Agreement with the cities of San Jose and Santa Clara regarding wastewater services.

Because of the legal issues surrounding the Master Agreement, the City Council has directed staff not to schedule a future public agenda item for the City Council's consideration of San Jose's proposed redline agreement.

The meeting was adjourned at 9:50 PM.

*Meeting minutes respectfully submitted by  
Mary Lavelle, City Clerk*

**Minutes of:** Joint Meeting of Milpitas City Council and Housing Authority Commission, and Special Meeting

**Date:** Tuesday, January 19, 2016

**Time:** 6:00 PM Closed Session / 7:00 PM Open

**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd., Milpitas

Mayor Esteves called the meeting to order at 6:00 PM. City Clerk noted the roll.

**PRESENT:** Mayor Esteves, Vice Mayor Montano, Councilmembers Barbadillo and Grilli

City Council convened in Closed Session to discuss two scheduled items, and one item scheduled on Special Meeting agenda. All were related to litigation matters.

No announcement out of closed session. City Attorney Chris Diaz stated the Council would reconvene to continue discussion of closed session items (on the Special Meeting agenda), following the open session of the regular meeting.

Boy Scouts Troop No. 92 led the pledge of allegiance.

Vice Mayor Montano offered her own prayer to start the meeting.

**Motion:** to approve the minutes of January 5 and 12, 2016 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

**Motion:** to approve Council Calendars/Schedule of Meetings for January and February 2016

City Manager Tom Williams announced a special city event scheduled on Tuesday, February 2, 2016 at 5:00 PM in the City Hall lobby, prior to the upcoming Super Bowl 50 to be held in Santa Clara on February 7.

Motion/Second: Councilmember Giordano/Councilmember Grilli

Motion carried by a vote of: AYES: 5  
NOES: 0

Mayor Esteves honored the Milpitas Artist of the Year James Coulson, as selected by the Arts Commission.

Mayor Esteves honored and commended the Milpitas High School Trojans Varsity Football Team players and coaches, who had success in the fall 2015 season.

Martin Skelson, Milpitas resident, spoke about a meeting the previous week on solid waste disposal services. He thought that Republic Services should have been able to present information on that company's services.

Robert Marini, Milpitas resident, discussed his views of City violations of state law and state constitution regarding process for Proposition 218 hearing (on water/sewer rates).

Rob Means, 1421 Yellowstone resident, talked about Personal Rapid Transit feeder system or loop around BART at Great Mall.

Michael Tie, Milpitas resident, had reviewed the Transit Area Specific Plan, while studying at several local institutions. He felt the Transit Plan was very forward looking. It was critical to keep an eye on how to link local transit system to the coming high speed rail in the Bay Area, while reducing pollution and traffic accidents.

Voltaire Montemayor, Milpitas resident, was proud of the Trojans football team. He favored PRT. Water rates were increased. When budget was excessive, then need to reduce rates eventually.

Citizen Sam recently spoke in the City of Fremont, and he showed a picture from his ipad with a proclamation as a compassionate city. Thanked the Mayor here for having a great city.

## **ANNOUNCEMENTS**

City Manager Tom Williams spoke on investments in the pump stations which were so valuable as the City was weathering the recent rain storms successfully.

Vice Mayor Montano wished all a Happy Martin Luther King Day, celebrated the previous day. She attended an event celebrating the holiday in San Jose and hoped there could be an event in Milpitas to honor him in future.

Councilmember Grilli thanked the Vice Mayor for bringing that up and felt Milpitas was left out regarding MLK holiday. When the water rates study was presented, a comparison chart was displayed by the staff while the data on it was incomplete yet. So she requested (later, perhaps in August) to have that chart brought back to Council by staff with all the information updated, after other cities adopted water rates. Mr. Williams suggested staff could bring it sooner than later, once those comparable four or five cities and districts had raised their rates.

Mr. Williams also reported that staff from Santa Clara Valley Water District was scheduled to attend the first Council meeting in February, while City staff was waiting for confirmation from the San Francisco Public Utilities Commission about its presentation to Council later.

## **ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

City Attorney Diaz asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

## **APPROVAL OF AGENDA**

Motion: to approve the meeting agenda, as submitted

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **CONSENT CALENDAR**

Motion: to approve the Consent Calendar (items noted with \*asterisk), as submitted

Vice Mayor Montano wanted to remove agenda item no. 13 from consent. The Mayor asked her to wait until the Successor Agency meeting was called.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5  
NOES: 0

- \* 3. Commission Appointments      Per Mayor's recommendation, approved the following:
- Community Advisory Commission:**  
Re-appointed Thelma Batilo to a term that will expire in January of 2020.  
Re-appointed Vishal Gandhi as Alternate No. 4 to term that expires in January of 2018.
- Planning Commission:**  
Re-appointed Zeya Mohsin as Alternate Member to a term that expires December of 2018.
- Sister Cities Commission:**  
Appointed Alternate No. 1 Carla Bayot as a voting member term that will expire in September 2016.  
Newly appointed Barry Manogaran as Alternate No. 1 to a term that will expires in September 2016.  
Newly appointed Dipak Awasthi as Alternate No. 2 to a term that will expires in September 2017.
- \* 4. Oversight Board appointments      Per Mayor's recommendation, appointed both Jane Corpus and Russell Morreale as staff alternates to either voting member on the Milpitas Oversight Board.
- \* 5. Police Grant funds      Accepted the 2015 Bulletproof Vest Partnership (BVP) grant and approve an appropriation in the amount of \$7,662.85 into the Police Department's operating budget.
- \* 6. Surplus Fire Engine      Approved the request to auction for disposal the 1993 Pierce Fire Engine (VIN 4P1CA02D3PA000479).
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Mary Lavelle, City Clerk*